IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR. JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 12289 of 2004

Between:

P.Prakash, s/o Balraj,
R/o 3-96, Sumithra Nagar, Kukatpalli Village,
Balanagar Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 Govt. of Andhra Pradesh rep., by its Prl. Secretary to Government,

Tribal Welfare Department, A.P. Secretariat, Hyderabad.
2 The District Collector, Rangareddy District at Lakdikapool, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order of direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not passing any orders on the stay petition filed along with the appeal by the petitioner under Section 7(7) of the Andhra Pradesh (SC, ST & BC) Regulation of Issue of Community Certificate Act 1993 assailing the proceedings of the 2nd respondent in C2/2230/2003 dated 9-3-2004 as highly illegal, arbitrary, unjust and void

Counsel for the Petitioner:MR.D.V.NAGARJUNA BABU

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court made the following :

O R D E R:

The petitioner belongs to Scheduled Caste. He contends that in his school record his caste was mentioned as 'Madiga'. He was issued a social status certificate by the Social Welfare Officer, Hyderabad on 05.06.1968. Basing on the said certificate, he secured employment in E.C.I.L. as a Helper on a consolidated pay of Rs.90/- per month in the year 1972. After long lapse of time, at the instance of some of the office bearers of E.C.I.L. S.C., S.T. Employees Association, his case was referred to the second respondent for verification. The second respondent passed an order in proceedings No.C2/2230/2003, dated 09-03-2004 cancelling his social status certificate. Aggrieved by the same, he preferred an appeal on 13.07.2004 under Section 7(7) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993. Along with the Memorandum of Appeal, he filed an application seeking stay in the matter. The grievance of the petitioner is that the first respondent did not pass any order on the stay petition. Therefore, he approached this Court through this Writ Petition seeking a direction to the first respondent to pass appropriate orders on the stay petition filed by him along with the appeal.

2. The learned Counsel for the first respondent represented that on verification of the records in the office of the first respondent, it came to light that no appeal has been preferred before the first respondent. Therefore, the question of passing any orders in the stay petition does not arise.

3. During the course of arguments, the learned Counsel for the petitioner submitted that since there was no Minister for the Tribal Welfare Department, the Minister for Social Welfare has been kept in charge of the same. Therefore, as per the instruction of the officials of the Tribal Welfare Department, the appeal and the stay

petition were presented before the Secretary, Social Welfare Department. Therefore, it is the duty of those officials to transmit the said file to the Tribal Welfare, if it does not pertain to their subject.

4. The learned Counsel for the petitioner submitted that the petitioner would submit another set of papers in the form of appeal and the stay petition before the first respondent and accordingly he has submitted the papers to the first respondent on 06.08.2004. Since it is represented on behalf of the respondents that the first respondent could not consider the request of the petitioner for granting of stay, the first respondent can now look into the papers and pass appropriate orders.

5. In the light of the above circumstances, the first respondent is directed to consider the request of the petitioner for granting of stay of operation of the order of the second respondent within two weeks from the date of receipt of this order, according to law.

6. The Writ Petition is, accordingly, disposed of.

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11-08-2004.

Note: CC by tomorrow.

(B/o) Gs/svs

To

1. Principal Secretary to Government, Government of Andhra Pradesh,

Tribal Welfare Department, A.P. Secretariat, Hyderabad.
2 The District Collector, Rangareddy District at Lakdikapool, Hyderabad.

3. 2CCs to G.P. for Social Welfare, High Court Premises, Hyderabad

(OUT)

4. 2CD copies